

2740 REIMBURSEMENT FOR SERVICES AND PLACEMENTS

Chapter: **Fiscal Management**

Section: **Reimbursement**



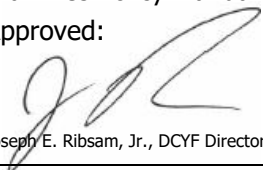
New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **17-70**

Approved:

Effective Date: **July 2017**

Scheduled Review Date:


Joseph E. Ribsam, Jr., DCYF Director

Related Statute(s): [RSA 169-B](#), [RSA 169-C](#), [RSA 169-D](#), and [RSA 170-G](#)

Related Admin Rule(s):

Related Federal Regulation(s):

Related Form(s): [FORM 725](#), [FORM 1211](#), [FORM 1525](#), [FORM 1550VC](#), [FORM 1675](#), [FORM 1679](#), [FORM 2653](#), [FORM 2700](#), and [FORM 2740](#)

Bridges' Screen(s) and Attachment(s):

All children and youth should be safe, and it is the responsibility of the parents to provide for the safety of their children. The Department has the initial financial responsibility for the cost of providing services, placements, and programs to children/youth and families pursuant to RSA 169-B, 169-C, and 169-D to maintain the safety of the child/youth, family, and community, however parents are required to reimburse the Department for the cost of services and placements, based upon their ability to pay.

Purpose

This policy defines the responsibilities of the Department and includes the procedures to be used in the collection of reimbursement.

Definitions

"CAPIAS" means a bench warrant for a person's arrest.

"Child" means a minor subject to the courts' jurisdiction pursuant to RSA 169-B, 169-C, or 169-D.

"County" means one of the 10 counties within New Hampshire.

"Court" means the Circuit Court's District Division, Family Division, Probate Division, or drug court.

"CPS" means the Bureau of Field Services' Child Protective Services under DCYF.

"CPSW" or **"Child Protective Service Worker"** means an employee of DCYF who is authorized by the Division to perform functions of the job classification Child Protective Service Worker.

"DCSS" means the DHHS Division of Child Support Services.

"DCYF" or the **"Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.

"Delinquent in Payments" means a reimbursement case that is 60 days in arrears of their reimbursement obligation.

"DHHS" or the **"Department"** means the New Hampshire Department of Health and Human Services.

"DHHS Parental Reimbursement Unit" means the unit responsible for establishment and collection of reimbursement from parent(s) within DHHS for families involved with DCYF.

"Gross Income" means all income from any source, whether earned or unearned, including, but not limited to, wages, salary, commissions, tips, annuities, social security benefits, trust income, lottery or gambling winnings, interest, dividends, investment income, net rental income, self-employment income, alimony, business profits, pensions, bonuses, worker's compensation, veterans' benefits, unemployment benefits, disability benefits and payments from other governmental programs (except public assistance programs, including temporary assistance to needy families (TANF), aid to the permanently and totally disabled (APTD), SSI, food stamps (SNAP), and general assistance received from a county or town).

"Guardian" means the individual appointed by the court pursuant to RSA 463.

"JJS" means the Bureau of Field Services' Juvenile Justice Services under DCYF.

"JPPO" or **"Juvenile Probation and Parole Officer"** means an employee of DCYF who is authorized by the Division to perform functions of the job classification Juvenile Probation and Parole Officer.

"Liable County" means prior to July 1, 2008:

1. The county in which the court is located which issued the order for services, placements, and program;
2. The county from which the child/youth was referred if the court's jurisdiction crosses county lines; or
3. The county in which the child/youth resides when non-court services are provided.

Note: Rockingham and Hillsborough Counties extended their parental reimbursement responsibilities through December 31, 2008 per agreement with DHHS enabling them to receive the 15% administrative fee through that time period.

"Non-Court Cases" means services provided by DCYF Child Protective Services or Juvenile Justice Services under a "Non-Court Agreement" and "Case Plan" to children/youth and families.

"Parent" means mother, father, (see policy section II:D), adoptive parent, or a person chargeable by law for the child/youth's support and necessities.

"Reimbursement Agreement" means an agreement approved or ordered by the court, through which the parent(s) agree to pay a specific dollar amount for reimbursement.

"Reimbursement Obligation" means an amount owed by a parent based on their reimbursement order multiplied by the length of services plus 48 months.

"Reimbursement Order" means when the parent(s) are court ordered to pay a specific dollar amount for reimbursement.

"Revolving Fund" means the account in which income is deposited for a person that is receiving or has received services from DCYF and from which the costs of services, placements and miscellaneous expenses for the individual are reimbursed.

"Service" means a paid community-based or placement service paid by DCYF, or the supervision and case management of a child/youth and/or family provided by a CPSW or JPPO.

Policy

I. Liability for Costs:

- A. The liability for the cost of services, placements, and programs not paid for by a private insurance carrier shall be paid by DHHS. DHHS shall have the right of action against the child/youth's parent(s) to collect reimbursement of costs, pursuant to RSA 169-B: 40, 169-C: 27, and 169-D: 29.
- B. The court shall make an order for reimbursement to the State as may be reasonable and just, based on the person's ability to pay. The DHHS Parental Reimbursement Unit provides the court with standard calculation guidelines for recommending a weekly/monthly reimbursement amount to the parent(s).
- C. Reimbursement shall be established on a per month or per week basis and shall continue from the time services begin until 4 years beyond the time such services end and the case is closed by the CPSW or JPPO, unless such reimbursement is fully paid prior to the end of the 4-year period.
- D. When services, placement, and programs are provided to children and their families pursuant to a court order, Form 1550VC CHINS Voluntary Service Plan/Agreement, or via a Form 1211 Non-Court Agreement, the cost for the services, placements, and programs are not paid by the department:
 - 1. When providers are not certified pursuant to RSA 170-G: 4, XVIII;
 - 2. When special education and educationally related services are needed; or
 - 3. When costs are incurred for the evaluation, care and treatment of non-Medicaid eligible children/youth at the NH Hospital.
 - 4. When parents utilize their private medical insurance to pay for services and a payment authorization has not been issued by DCYF.
- E. The DHHS Parental Reimbursement Unit seeks a court order or agreement for reimbursement from parent(s) when services, placements, and programs have been provided to the extent the parent(s) have the ability to pay. Reimbursement is for the cost of court-ordered and non-court services provided to the child/youth and the child/youth's family.
- F. Parent(s) make reimbursement payments for the services, based on their ability to pay, to the DHHS Parental Reimbursement Unit.
- G. The court requires parent(s) to annually complete the Form 2653 Financial Statement to report income and expenses, medical insurance coverage, household size, and other information used to determine reimbursement.
- H. The DHHS Parental Reimbursement Unit does not request an order for reimbursement from:
 - 1. Adoptive parents who adopted a child/youth through New Hampshire DCYF. These individuals are exempt from the payment of reimbursement pursuant to RSA 169-B: 40, RSA 169-C:27, and RSA 169-D:29, unless the adoptive parent is convicted of

sexually or physically abusing the adopted child/youth pursuant to RSA 631 or 632-A, or the adoptive parent has misappropriated adoption subsidy moneys;

2. Parents under the age of 18; or
 3. Parents who are receiving:
 - (a) Temporary Assistance to Needy Families (TANF) benefits;
 - (b) Old Age Assistance (OAA);
 - (c) Aid to the Needy Blind (ANB);
 - (d) Aid to the Permanently and Totally Disabled (APTD); or
 - (e) Supplemental Security Income (SSI).
 - I. If parents are no longer receiving the assistance or benefits listed I-H:3 above, the DHHS Parental Reimbursement Unit may request an order for reimbursement or resume collection on a prior reimbursement order, if applicable.
 - J. When parental rights have been terminated, the reimbursement case will be handled as follows:
 1. The parent is responsible for reimbursement of services received up to the date of the order to terminate parental rights to the extent the parent(s) have the ability to pay.
 2. Following the order to terminate parental rights, the individual is still responsible for costs incurred up to the order, but the individual is not responsible for any costs incurred after the order to terminate parental rights.
 3. DHHS will pursue reimbursement for 48 months beyond the date of the order to terminate parental rights, unless such reimbursement is fully paid prior to the end of the 48-month period.
- II. Amount and Duration of Reimbursement:
- A. The court shall make an order for parental reimbursement obligation in a reasonable and just amount based upon a parent(s) ability to pay.
 1. Reimbursement payments will begin from the date stated in the reimbursement order, agreement or the date the Judge signs the court order unless the court specifies a payment begin date.
 2. Such reimbursement shall continue from time services began plus 48 months beyond such services end unless reimbursement has been fully paid prior to the end of the 48-month period.
 - B. The DHHS Parental Reimbursement Unit will request that a Form 2653 Financial Statement is completed by every parent when services are provided and whenever a change occurs that may affect a parent's ability to pay reimbursement.

- C. The amount of reimbursement, which is based on the parent's income as reported on the Form 2653 Financial Statement, is calculated using the standard calculation guidelines provided to the court by the DHHS Parental Reimbursement Unit.
 - D. The income of either parent's current spouse (stepparent to the child) shall not be considered as gross income to the parent unless the parent resigns from or refuses employment or is voluntarily unemployed or underemployed, in which case the income of the spouse shall be imputed to the parent.
 - E. In cases that the court has approved bankruptcy on behalf of the parent(s), and DCYF or the DHHS Parental Reimbursement Unit is named as a debtor for reimbursement payments in the bankruptcy order, the DHHS Parental Reimbursement Unit will review each claim with the NH Attorney General's Office to identify if the debt should be protected from being discharged.
 - F. If the debt is discharged and expenses for services are incurred after the date the bankruptcy is filed, the DHHS Parental Reimbursement Unit will pursue reimbursement for those expenses. A new order for reimbursement will be sought for expenses occurring after the date of the bankruptcy order to the extent the parent(s) have the ability to pay.
 - G. The amount of reimbursement is based on the dollar amount of all claims paid by DCYF on behalf of the child/youth and family.
 - H. A child/youth's expenses may be reimbursed from any income source, including deposits from either parent.
 - I. When a child/youth's parents are a cohabitating couple, the costs of the parent's services paid by DCYF may be reimbursed using reimbursement funds from either parent's deposits into the Revolving Fund.
 - J. When a child/youth's parents are separated, the costs of services for each parent may be reimbursed only with their own reimbursement deposits. Both parents pay reimbursement toward the child(ren)/youth's services.
 - K. When a parent is making reimbursement payments for more than one child/youth, the DHHS Parental Reimbursement Unit will make the determination of how to distribute reimbursement deposits among the children/youth.
 - L. For reimbursement cases opened pursuant to liability under RSA 169-D:29, the reimbursement obligation shall be dismissed if at any point during the reimbursement period the child or recipient of services dies, subject to the following conditions:
 - 1. The DHHS Parental Reimbursement Unit must receive proof of the death;
 - 2. Any parental reimbursement payments after the date of death will be dismissed; and
 - 3. Any accrued unpaid reimbursement in arrears shall continue to be collected.
- III. The DHHS Parental Reimbursement Unit may begin the collection of reimbursement by:

- A. Entering into a verbal or written agreement with the parents for reimbursement; that may be submitted to the court for approval, or
 - B. Requesting a court order for reimbursement.
- IV. For a child/youth in placement, if a child support order for cash benefits (medical benefits are excluded) has been established before the DHHS Parental Reimbursement Unit obtains a reimbursement order:
- A. Then the child support paid through DCSS by the non-custodial parent is redirected into the Revolving Fund and is considered to meet the reimbursement obligation of the non-custodial parent. A separate reimbursement order is not requested.
 - B. If the child support paid by the non-custodial parent is a court order that is not submitted through DCSS and the child/youth is in placement, the Fiscal Specialist may complete DCSS Form s725D, DCYF Application for Child Support Services, to request that the support be paid to DCSS and redirected into the child/youth's Revolving Fund account. Upon redirection into the Revolving Fund, the non-custodial parent's child support is considered to meet the reimbursement obligation and a separate reimbursement order is not requested.
 - C. If the child support is paid directly to the custodial parent and will not be redirected to the child/youth's Revolving Fund account, then:
 - 1. A reimbursement order will be sought from the non-custodial parent based on their ability to pay, taking into consideration the court-ordered child support paid to the custodial parent.
 - 2. A reimbursement order will be sought from the custodial parent based on their ability to pay including the child support as income received from the non-custodial parent.
 - 3. The non-custodial parent's child support formerly received by the custodial parent but redirected into the Revolving Fund will not be considered as meeting the custodial parent's reimbursement obligation.
 - D. If the child support is not redirected into the child's Revolving Fund account due to the request of DCYF, then:
 - 1. A reimbursement order will be sought from the non-custodial parent based on their ability to pay, taking into consideration the court-ordered child support paid to the custodial parent, and
 - 2. A reimbursement order will be sought from the custodial parent based on their ability to pay including the child support as income received from the non-custodial parent.
- V. The Fiscal Specialist may request a review and adjustment of the child support order by DCSS if the court order for child support is older than three (3) years and is less than \$100.00 per month or anytime there has been a substantial change in circumstances.
- VI. Child Support and Good Cause for Children/Youth in Placement:
- A. Child support must be sought from both parents unless good cause is established:

1. The Fiscal Specialist will review the available records to determine if there is good cause to waive seeking child support as identified in [Chapter 800 of the Family Services Children's Eligibility Manual](#).
 - (a) If a parent is not receiving financial assistance through the Division for Client Services or child support payments, the Fiscal Specialist will contact the CPSW/JPPPO to identify certain key circumstances of the family.
 2. The Fiscal Specialist will make a determination regarding good cause, and record the decision on Form 1675, Potential Revolving Fund Income.
- B. The good cause determination must be re-evaluated with the CPSW or JPPPO by the Fiscal Specialist every six (6) months.
- C. For a child/youth in placement, if the DHHS Parental Reimbursement Unit has established a reimbursement order before a child support order is obtained:
1. Then, for the non-custodial parent, upon completion of DCSS Form s725D DCYF Application for Child Support Services, DCSS will pursue the establishment of a child support order and upon its establishment and redirection of the child support payment into the child/youth's Revolving Fund account, the reimbursement order will be suspended.
 2. Then, for the custodial parent, a reimbursement order will be established based on the parent's gross income not including the non-custodial parent's child support that is redirected to the Revolving Fund.
- D. For a child/youth that remains in their own home or who is returned home:
1. If a child support order has been established, a reimbursement order will be sought from the non-custodial parent based on the parent's ability to pay, taking into consideration the child support paid to the custodial parent.
 2. A reimbursement order will be sought from the custodial parent based on their ability to pay, including the child support as income received from the non-custodial parent.
- E. For parents that are cohabiting, a child support order will not be sought against the cohabiting parents whose child/youth is not placed out of home. A reimbursement order will be sought for services based on the parents' ability to pay.
- VII. Failure to Reimburse:
- A. If the parent(s) fail to make payments, the DHHS Parental Reimbursement Unit may:
1. Send a notice of delinquency to the parent(s);
 2. Submit a motion for contempt or show cause to the court;
 3. Enlist the services of DHHS Legal Counsel in pursuing a CAPIAS; or
 4. Apply to the court for a lien on the person's real or personal property for the amount of reimbursement owed.

- B. A parent's failure to make reimbursement payments will result in the calculation of an arrearage and shall be a liability against the parent(s) until paid in full.

VIII. County Reimbursement Collection Credit:

- A. For cases in which the Counties established a parental reimbursement order and received reimbursement payments prior to July 1, 2008, the Counties are entitled to 5% of the reimbursement amounts established by the County. Exception: Rockingham and Hillsborough Counties extended parental reimbursement responsibilities through December 31, 2008 and received a 15% administrative fee during that time period. Money received as reimbursement accumulates in the Revolving Fund until the end of the month. The Office of Finance credits the county with the correct percentage of the reimbursement amounts established by the counties.

Procedures

I. The CPSW/JPPPO must:

- A. Explain to the parent(s), when services are agreed upon, that the DHHS Parental Reimbursement Unit will be contacting them regarding establishing a reimbursement order based on the parent's ability to pay and provide a copy of:

1. Form 2740 Frequently Asked Questions About Parental Reimbursement brochure;
2. Form 2700 Financial Notification Range of Rates for his/her signature; and
3. Form 1525 Financial Reimbursement Notification and Agreement for his/her signature.

II. The Fiscal Specialist is responsible for forwarding financial information to the DHHS Parental Reimbursement Unit, the Social Security Administration and to DCSS when it has an impact on reimbursement or child support via Form 1679, Information Transmittal.

III. The DHHS Parental Reimbursement Unit:

- A. Forwards a copy of Form 2653 Financial Statement to the Fiscal Specialist within 10 business days of receipt.
- B. Files a copy of the court order or agreement for reimbursement with the Form 2653 Financial Statement in the case record.

IV. The court, pursuant to an Administrative Order issued by the Administrative Justice of the District Court or the presiding Justices of the Family Division:

- A. Distributes to the parents at the initial court hearing, in hand or by mail, the following:
 1. Form 2653 Financial Statement;
 2. A letter explaining the completed Form 2653 must be returned to the DHHS Parental Reimbursement Unit within 14 calendar days; and
 3. Form 2740 Frequently Asked Questions About Parental Reimbursement.

Practice Guidance

Will a guardian be responsible for paying reimbursement for a child/youth in their care?

- If a child/youth's parents have not had their parental rights terminated, or have not surrendered their parental rights then the obligation to pay reimbursement will be sought from the parents.
- Guardians are not chargeable by law for the child's support and necessities, however parental reimbursement may be sought from a guardian in some circumstances. Common circumstances may include but are not limited to if the guardian is the parent or if the guardianship order established a financial responsibility to pay for the child/youth's support and/or necessities.
- Staff should not tell a prospective guardian that they will not be held responsible for reimbursement unless they have already confirmed this information with the DHHS Parental Reimbursement Unit or DCYF Revenue Supervisor.
- Staff may direct prospective guardians to contact the DHHS Parental Reimbursement Unit (as noted on Form 2740 Frequently Asked Questions About Parental Reimbursement) to discuss any questions.

What family circumstances will a Fiscal Specialist ask a CPSW/JPPPO about if they need more information in making a good cause determination relative to child support?

- [Chapter 800 of the Family Services Children's Eligibility Manual](#) provides the process that Fiscal Specialists use in determining good cause.
- When a family is not receiving financial assistance and does not have a child support case there is less information in the electronic information systems for them to assess. Fiscal Specialists may reach out to ask about circumstances such as:
 - The composition of the household, including who is responsible for what financially;
 - The anticipated length of placement;
 - Any sources of income that may not be readily known;
 - Would seeking child support create a barrier to reunification, such as by affecting the parent(s)' ability to maintain housing or attend parenting time/visitation; and/or
 - Would seeking child support create a hardship for the family by jeopardizing safety (in cases of domestic violence), the care of other children in the home, or housing.